

THE HONORABLE JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

vs.

MOTOROLA, INC., at al.,

Defendants.

Case No. C10-1823-JLR

DECLARATION OF ADAM TACHNER

NOTE ON MOTION CALENDAR:
Friday, November 23, 2012

Without Oral Argument

I, ADAM TACHNER, DECLARE:

1. I am the Vice President and General Counsel of Qualcomm Atheros, a wholly owned subsidiary of Qualcomm Incorporated ("Qualcomm"), formed in connection with Qualcomm's purchase of Atheros Communications, Inc. in May 2011. I submit this declaration in support of Qualcomm's Motion to Seal:

- An Atheros Communications October 2008 Data Sheet for the AR9280 Single-Chip 2x2 MIMO MAC/BB/Radio with PCI Express Interface for 802.11n2.4 and 5 GHz WLANs labeled MS-MOTO_752_0001091439 and Defendants' Trial Exhibit 3343, and designated "Confidential Business Information".

I refer to this document as the "Atheros Data Sheet".

2. Qualcomm Atheros is in the business of, among other things, developing chips for network communications, including wireless communications. Our solutions enable WiFi communications, and are currently used in numerous devices, including

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1 laptops, dongles, and the Xbox360. This is a highly competitive industry. Prior to its
2 acquisition by Qualcomm in 2011, Atheros Communications, Inc. invested approximately
3 \$120 million in 2008 in research and development; Qualcomm invests well over \$2
4 billion annually in research and development. The details of how our chips are designed
5 and how they operate are therefore highly confidential and important to our business.
6

7 3. Data sheets are created by Qualcomm Atheros to provide to current and
8 potential customers of Qualcomm Atheros chips. They contain a substantial amount of
9 technical and highly confidential information about how each of our chipsets are
10 designed and how they operate. Qualcomm Atheros considers this information to be
11 valuable trade secrets. Consequently, Qualcomm Atheros ensures that data sheets are
12 generally distributed outside Qualcomm under strict non-disclosure agreements.
13

14 4. The Atheros Data Sheet contains a substantial amount of technical and
15 highly confidential information about the AR9280 chip. This includes information
16 regarding the technical engineering and operation of the chip, including precise technical
17 specifications regarding the manner through which the AR9280 chip provides wireless
18 communication capabilities.


19 5. All of this information could be used by a competitor or customer of
20 Qualcomm Atheros to build a chip matching the features and functionality of the AR9280
21 chip. As a result, this information would be highly valuable in the possession of
22 customers and competitors of Qualcomm Atheros. It would therefore impede the ability
23 of Qualcomm Atheros to compete in the future in its markets if its competitors and
24 current and potential customers had such detailed knowledge of the design and operation
25 of the AR9280 chip.
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1 I declare under penalty of perjury under the laws of the United States that
2 the foregoing is true and correct.

3 Executed in San Jose, California on this 9th day of November, 2012.

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6 Adam Tachner
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Certificate of Service

I hereby certify that on November 10, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all registered parties in this case.

DATED this 10th day of November, 2012, in Seattle, Washington.

/s/ Christopher B. Durbin

Christopher B. Durbin (WSBA #41159)

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